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By: **Senator Stone**

Introduced and read first time: January 16, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant - Consumer Protection - Complaints as Matter of**  
3 **Public Record**

4 FOR the purpose of prohibiting the Division of Consumer Protection of the Office of  
5 the Attorney General from making a certain complaint filed by a tenant against  
6 a landlord a matter of public record unless the Division has given the landlord a  
7 certain amount of time to respond to the complaint in writing; and generally  
8 relating to complaints filed with the Division by tenants against landlords.

9 BY repealing and reenacting, with amendments,  
10 Article - Commercial Law  
11 Section 13-401  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Commercial Law**

17 13-401.

18 (a) A consumer who is subjected to a violation of this title may file with the  
19 Division a written complaint which states:

20 (1) The name and address of the person alleged to have committed the  
21 violation complained of;

22 (2) The particulars of the violation; and

23 (3) Any other information required by the Division.

24 (b) After the filing of a complaint, the Division shall investigate the  
25 allegations to ascertain issues and facts. If appropriate, the Division shall refer a  
26 complaint to the Federal Trade Commission.

1 (c) The Division may seek the cooperation of the licensing authorities and  
2 contracting departments of the State in connection with its investigation of a person  
3 who is licensed to do business in the State or who has a contractual relationship with  
4 the State.

5 (d) If the Division determines that the complaint lacks reasonable grounds on  
6 which to base a violation of this subtitle, it may:

7 (1) Dismiss the complaint; or

8 (2) Conduct any further investigation it considers necessary.

9 (e) This section does not prevent a consumer from:

10 (1) Exercising any right or seeking any remedy to which he might  
11 otherwise be entitled; or

12 (2) Filing a complaint with any other agency or court.

13 (F) IF A TENANT FILES A COMPLAINT AGAINST A LANDLORD UNDER  
14 SUBSECTION (A) OF THIS SECTION, THE DIVISION MAY NOT MAKE THE COMPLAINT A  
15 MATTER OF PUBLIC RECORD UNLESS THE DIVISION HAS GIVEN THE LANDLORD 15  
16 DAYS TO RESPOND TO THE COMPLAINT IN WRITING.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2004.